

The State of New Hampshire

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August 14, 1975

His Excellency, Meldrim Thomson, Jr.
and the Honorable Council
State House
Concord, New Hampshire 03301

Your Excellency and Gentlemen:

You have referred to this Office a letter from Denis W. Parker, Executive Director of the State Employees Association, seeking on behalf of Corporal Henry Paris of the Division of State Police, the approval of the Governor and Council for a leave of absence with pay to attend the national meeting of the Assembly of Governmental Employees to be held in Annapolis, Maryland.

The question presented by that request is whether the approval of such a request is authorized by the Rules of the Department of Personnel. We are of the opinion that it is not.

Apart from the use of accrued annual leave, which we assume is not at issue here, the only provision in the Rules for leave of absence with pay is that set out in Rule VII, Section 5, which is as follows:

An appointing authority may, with the approval of the Governor and Council, authorize salary payments in whole or part to employees whose leaves have been approved in order to permit them to attend school, visit other governmental agencies, attend as an elected delegate a session of the Constitutional Convention, or in any other approved manner to devote themselves to improvement of the knowledge or skills required in the performance of their work.

His Excellency, Melrim Thomson, Jr.
and the Honorable Council

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We point out in passing that under this provision, the appointing authority may authorize such leaves of absence. Thus, the discretion in the first instance, belongs to the appointing authority.

In this circumstance, however, the leave may not be authorized under Section 5, since the purpose stated therefore does not fall within any of the specified purposes for which such leave may be granted.

The underlying purpose of the limitations placed upon such leaves is that they enable employees to "devote themselves to improvement of the knowledge or skills required in the performance of their work". While we assume that attendance at the national meeting of the Assembly of Governmental Employees would be an edifying experience, we are unable to conclude that it could in any way enhance the knowledge or skills required in the performance of the duties of a State Police Officer.

Accordingly, we conclude that leave under Rule VII, Section 5 for that purpose is not authorized.

We trust that this is responsive to your inquiry.

Respectfully,

Warren B. Rudman

Warren B. Rudman
Attorney General

Charles G. Cleaveland

Charles G. Cleaveland
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CGC/tlr